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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 Kyle James,  
12 CDCR #BB-1457

Plaintiff,

13 vs.

14 Deputy Tade,

15 Defendant.  
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)  
) Case No.: 3:15-cv-00409-AJB-MDD

)  
) **ORDER AND WRIT OF HABEAS**  
) **CORPUS AD TESTIFICANDUM TO**  
) **TRANSPORT KYLE JAMES (CDCR#BB-**  
) **1457) TO TRIAL**

20 Plaintiff **Kyle James, CDCR #BB-1457** is the plaintiff and a necessary and material  
21 witness to the trial scheduled to take place before the Honorable Anthony J. Battaglia on  
22 **February 13, 2018 at 8:30 a.m.** in Courtroom 4A of the United States District Court for the  
23 Southern District of California, 221 West Broadway, San Diego, California 92101.

24 Mr. James is currently confirmed at California State Prison, Corcoran, at 4001 King  
25 Avenue, Corcoran, California 93212, in the custody of the Warden. In order to secure Mr. James'  
26 attendance at trial, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue,  
27 commanding his custodian to produce him for trial beginning on February 13, 2018, and  
28 continuing day to day until such proceedings are completed or as otherwise ordered by the Court.

1 Accordingly,

2 The Court **ORDERS** that a Writ of Habeas Corpus Ad Testificandum issue, under the  
3 seal of this Court, commanding the Warden of California State Prison, Corcoran, and the  
4 California Department of Corrections and Rehabilitations to produce **Kyle James, CDCR #BB-**  
5 **1457** in Courtroom 4A of the United States District Court for the Southern District of California,  
6 located at 221 West Broadway, San Diego, California, 92101, for the trial beginning on  
7 **February 13, 2018 at 8:30 a.m.** and continuing each business day, Monday through Friday from  
8 8:30 a.m. to 5:00 p.m. until the trial is completed.

9 **WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

10 To: The Warden of California State Prison, Corcoran, at 4001 King Avenue, Corcoran,  
11 California 93212:

12 **YOU ARE COMMANDED** to produce inmate **Kyle James, CDCR #BB-1457** at  
13 Courtroom 4A of the United States District Court located at 221 West Broadway, San Diego,  
14 California, 92101, for the trial beginning on February 13, 2018 at 8:30 a.m. and continuing each  
15 business day, Monday through Friday from 8:30 a.m. to 5:00 p.m. until the trial is completed.

16 **IN ADDITION, YOU ARE DIRECTED** that during the trial period you shall maintain  
17 overnight custody of Mr. James at the Richard J. Donovan Correctional Facility at 480 Alta  
18 Road, San Diego, CA 92179.

19 **FURTHER**, you have been ordered to notify the Court of any change in custody of Mr.  
20 James, and have been ordered to provide the new custodian with a copy of this writ.

21 The Clerk of Court is instructed to serve a copy of this Order on Warden Michael Sexton,  
22 California State Prison, Corcoran, at 4001 King Avenue, Corcoran, California 93212. Plaintiff's  
23 counsel is instructed to fax a copy of this Order to the Litigation Coordinator at (559) 992-7372.  
24 IT IS SO ORDERED.

25  
26 DATE: December 6, 2017

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HON. ANTHONY J. BATTAGLIA  
United States District Judge  
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